

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD SPRUEL,) CASE NO.: C07-1812-RSM
Petitioner,)
v.) REPORT AND RECOMMENDATION
STATE OF WASHINGTON,)
Respondent.)

Petitioner has submitted to this Court for review a document entitled “Petition for Writ of Mandamus Prohibition.” Petitioner alleges in his petition that the State of Washington is detaining him unlawfully and is denying him his rights to procedural due process and to equal protection in ongoing state court proceedings. The state court proceedings at issue appear to relate to petitioner’s failure to register as a sex offender, a requirement arising out of petitioner’s 1992 conviction in King County Superior Court on first degree child molestation and third degree assault charges. Though not entirely clear from the face of the petition, petitioner appears to be asking this Court to intervene in his ongoing probation revocation proceedings to protect the constitutional rights which he believes have been denied him by the State of Washington.

Generally, the federal courts will not intervene in a pending state court criminal proceeding

absent extraordinary circumstances where the danger of irreparable harm is both great and immediate. *See Younger v. Harris*, 401 U.S. 37, (1971). “[O]nly in the most unusual circumstances is a defendant entitled to have federal interposition by way of injunction or habeas corpus until after the jury comes in, judgment has been appealed from and the case concluded in the state courts.” *Drury v. Cox*, 457 F.2d 764, 764-65 (9th Cir. 1972)(per curiam). *See also Carden v. Montana* 626, 82, 83-84 (9th Cir. 1980).

Petitioner makes no showing of extraordinary circumstances which would justify this Court’s intervention in his ongoing probation revocation proceedings. The *Younger* abstention principles therefore apply and, thus, petitioner’s petition for writ of mandamus should be dismissed.¹ A proposed order accompanies this Report and Recommendation.

DATED this 26th day of December, 2007.



Mary Alice Theiler
United States Magistrate Judge

¹ Petitioner has also filed a motion for temporary restraining order or preliminary injunction in which he asks that the State of Washington be restrained from proceeding against him in the pending probation revocation matter until the instant habeas petition has been ruled on. As this Report and Recommendation disposes of petitioner’s petition for writ of mandamus, petitioner’s motion for preliminary injunctive relief (Dkt. No. 10) is moot and is therefore STRICKEN.